

## **1. INTRODUCTION**

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### **1.1 PURPOSE**

This document is the finalizing addendum to the Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS) prepared for the consideration of a new lease by the California State Lands Commission (CSLC or Commission) and a Research Permit by the Monterey Bay National Marine Sanctuary (MBNMS) for the proposed Monterey Accelerated Research System (MARS) Cabled Observatory Project. The National Science Foundation (NSF), which approves funding for the Project, is a cooperating agency. The Project applicant is the Monterey Bay Aquarium Research Institute (MBARI). This document, together with the Draft EIR/EIS distributed for public review in March 2005, constitute the Final EIR/EIS for the proposed Project.

This Final EIR/EIS has been prepared by the CSLC and MBNMS pursuant to the California Environmental Quality Act (the CEQA) (Section 21000 et seq., California Public Resources Code), in accordance with the *Guidelines for the Implementation of the California Environmental Quality Act* (Section 15000 et seq., California Code of Regulations, Tit. 14), and the National Environmental Policy Act (NEPA) (40 Code of Federal Regulations (CFR) Section 1502 et seq.). An EIR/EIS must be prepared for any project or major federal action that may have a significant impact on the environment. The MARS Cabled Observatory Project is a “project” as defined by the State CEQA Guidelines and the issuance of a Research Permit is considered a “major federal action” by the MBNMS. Upon preliminary review, the CSLC and MBNMS determined that the MARS Cabled Observatory Project may have a significant adverse impact on the environment and, therefore, an EIR/EIS is required. The CSLC and MBNMS selected an environmental contractor to prepare the EIR/EIS to ensure that the document reflects an independent, objective analysis of the proposed Project.

The CSLC and MBNMS are the Lead Agencies for this proposal and the Final EIR/EIS will be used by the CSLC and MBNMS as part of their processes, including setting the conditions of the lease agreement, if approved, and Research Permit, and incorporating mitigation measures for project implementation. A Mitigation Monitoring Program is incorporated in Section 6 of the Draft EIR/EIS, and revisions to the text of the Draft EIR/EIS are presented in Section 4 of this document.

### **1.2 ORGANIZATION OF FINAL EIR/EIS**

The Final EIR/EIS consists of the following elements:

- The Draft EIR/EIS.

- A list of persons, organizations, and public agencies commenting on the Draft EIR/EIS (see Section 2).
- Comments and recommendations received on the Draft EIR/EIS (see Section 3).
- Responses to significant environmental points raised in the review and consultation process (see Section 3).
- Revisions to the Draft EIR/EIS (see Section 4).

Additional information is also provided, including a transcript of the public hearings conducted on April 7, 2005 (see Appendix).

### **1.3 DECISION-MAKING PROCESS**

The CSLC is the CEQA lead agency for this Final EIR/EIS because the Commission has jurisdiction over the State tidelands and submerged lands that would be crossed by the proposed Project. The MBNMS is the NEPA lead agency because it has jurisdiction over activities within the Sanctuary, including research activities. The CSLC will use the Final EIR/EIS in its decision-making processes to help determine whether to issue a lease of State lands and the MBNMS will use the document in its decision on whether to issue a Research Permit for the proposed Project. The NSF, as a cooperating agency, will utilize the document in its decision whether to approve funding for the Project.

#### **1.3.1 State Certification of the Final EIR/EIS**

Prior to taking action on the proposed Project, the CSLC must certify the Final EIR/EIS. The CSLC must certify that:

- The Final EIR/EIS has been completed in compliance with the CEQA;
- The CSLC reviewed and considered the information contained in the Final EIR/EIS prior to considering the proposed Project; and
- The Final EIR/EIS reflects the independent judgment and analysis of the CSLC and MBNMS (State CEQA Guidelines section 15090).

In conjunction with certification of the Final EIR/EIS, the CSLC must prepare one or more written findings of fact for each significant environmental impact identified in the document. These findings must either state that:

- The Project has been changed (including adoption of mitigation measures) to avoid or substantially reduce the magnitude of the impact;

- Changes to the Project are within another agency's jurisdiction and have been or should be adopted; or
- Specific considerations make mitigation measures or alternatives infeasible.

If any of the impacts identified in the EIR/EIS cannot be reduced to a level that is less than significant, the CSLC may issue a Statement of Overriding Considerations for approval of the project if specific social, economic, or other factors justify a project's unavoidable adverse environmental effects. However, as indicated in the Draft EIR/EIS, the proposed Project would not result in any significant, unavoidable adverse environmental effects. If the CSLC decides to approve a project for which a Final EIR/EIS has been prepared, the CSLC will issue a Notice of Determination. The CSLC decision on the proposed Project will be made at a public hearing.

### 1.3.2 Federal Record of Decision

The NEPA requires MBNMS to circulate the Final EIR/EIS for at least 30 days prior to making a decision on the proposed Project (40 CFR 1502.19) in the form of a Record of Decision (ROD). There is no requirement to respond to comments received on the Final EIR/EIS; however, the MBNMS decision-makers will consider all comments received prior to making a decision on the proposed Project. The MBNMS will adopt the Final EIR/EIS after determining that it meets the standards for EIS adequacy under the NEPA, the Council on Environmental Quality (CEQ) NEPA Regulations, and its own NEPA regulations.

After the Final EIR/EIS has been adopted, the MBNMS will make a decision regarding the application for a Research Permit that would allow implementation of the MARS Cabled Observatory Project. The MBNMS will prepare a ROD, which is a written public record explaining the MBNMS' decision on the proposed Project. The ROD will include:

- An explanation of the decision;
- Factors considered in making the decision;
- Alternatives considered and the environmentally preferred alternative;
- Any adopted mitigation measures or reasons why mitigation measures were not adopted; and
- A monitoring and enforcement program for those mitigation measures that were adopted.

A public hearing is not required to issue the ROD.